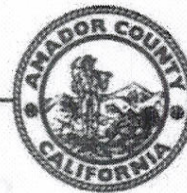


# ENVIRONMENTAL HEALTH DEPARTMENT

## LAND USE AGENCY

810 COURT STREET • JACKSON, CA 95642-2132 • PHONE (209) 223-6439 • FAX (209) 223-6228



## NOTICE AND ORDER AMENDED

(14 Calif. Code of Regulations 18304)

**Name of Operator**

TO: Larry Peterson,  
Amador County Public Works Agency  
810 Court Street  
Jackson, CA 95642

**Names of Owner**

County of Amador

**Before the Local Enforcement Agency:**

Amador County Environmental Health Department

**In the Matter of:**

Buena Vista Landfill Closure for Phases II/III

Please take notice that the following conditions have been found to exist with regard to the above-named site:

- Failed to comply with Title 27 Closure Requirements regarding manner and timeframe.
- Changes implemented by operator deviating from the approved closure plan without regulatory approval.
- Final Postclosure Maintenance Plan meeting section 21830 requirements not submitted.

Said conditions were found to exist in the following place:

Buena Vista Landfill  
6500 Buena Vista Road  
Ione, CA

**THE ENFORCEMENT AGENCY HAS DETERMINED THAT THESE CONDITIONS**



**Constitute continuing violations of Public Resources Code, section 44014(b) Operating Outside The Terms And Conditions Of The Solid Waste Facility Permit. Specifically,**

**THE LOCAL ENFORCEMENT AGENCY HAS MADE THE FOLLOWING FINDINGS**

**Joint inspection and review of the facility by LEA, California Integrated Waste Management Board personnel and California Central Valley Regional Water Quality Control Board personnel, noted significant violations of State Minimum Standards established in Title 14, California Code of Regulations. Conditions were found to be unacceptable and posed potential hazards to public health.**

**Lack of response to prior inspection reports in the form of a reasonable plan for corrections by the facility operator has caused increased concern over the willingness and/or ability of the operator to bring the facility into compliance.**

**The owners/operators of the facility and their previous consultant have attended multiple meetings with the LEA, CIWMB and Regional Water Board representatives. Those meetings have established a clear understanding of specific corrections necessary to address listed violations as well as reasonable deadlines by which time correction is to be implemented.**

**THEREFORE, pursuant to PRC Section 45011, YOU ARE HEREBY ORDERED to comply with the following time schedule.**

**BY: May 2, 2008**

**Complete dipole testing of the Buena Vista Landfill waste management unit identified as PhaseII/III by an independent third party contractor who is deemed acceptable to LEA, CIWMB and CVRWQCB regulatory staff and submit report to LEA.**

**BY: May 23, 2008**

**Consultant to have completed and submitted to regulatory agencies proposed workplan and schedule for completion of work.**

**BY: June 2, 2008**

**Submit draft plans and specifications for review and comment by regulatory agencies.**

**BY: June 16, 2008**

**Meet with regulatory agencies to discuss draft plans and specifications and necessary revisions.**

**BY: July 3, 2008**

**Plans and specifications completed for bid purposes and out to bid.**

**BY: August 5, 2008**

**Contractor to have been selected.**

**BY: August 15, 2008**

**Construction to have commenced.**

**BY: September 30, 2008**

**Basic reconstruction is to be completed by the assigned contractor(s) and verified by the regulatory agencies.**

**If significant problems are identified, the operator may submit to the LEA a written request for additional time to allow for completion. The request will be reviewed by the LEA for approval with concurrence of CIWMB and CVRWQCB.**

**BY: October 31, 2008**

**Project completion and regulatory compliance must be completed to a point that closure can be certified.**

**Regarding this condition, let it be understood that there may be complex issues with administrative requirements such as Reports of Construction and Engineer's certification. It is the intention of the regulatory agencies to work with the owner to secure acceptance in this regard and financial penalty regarding this point will be exercised if there is an absence of "good faith effort" as determined by the LEA.**

**PLEASE TAKE FURTHER NOTICE THAT THE LOCAL ENFORCEMENT AGENCY**

**Is authorized pursuant to Title 14 California Code of Regulations, section 18304.1 to take all of the following actions on or after May 2, 2008, May 23, 2008, June 2, 2008, June 16, 2008, July 3, 2008, August 5, 2008, August 15, 2008, September 30, 2008 and/or October 31, 2008 as applicable:**

- 1) Impose administrative civil penalties, Public Resources Code, section 45011(a), in an amount not to exceed \$5,000 for each day on which a violation occurs upon failure to comply with applicable deadlines in a final compliance order.**
- 2) Petition the Superior Court to enjoin the violations specified above and that continued violations after the injunction may be punished as contempt of court.**
- 3) Bring an action in the Superior Court to impose civil penalties, Public Resources Code, section 45023, in an amount not to exceed \$10,000.00 per day for each day the violation(s) specified occur.**



Failure to remedy the aforementioned violation(s) by the required date(s) may result in the CIWMB expending available funds to perform any cleanup, abatement, or remedial work required under the circumstances set forth in PRC section 45000 which, in the judgement of the CIWMB, is required by the magnitude of endeavor or the need for prompt action to protect public health and safety or the environment. If the CIWMB expends funds to perform any cleanup, abatement, or remedial work, the CIWMB may seek cost reimbursement from the operator or owner pursuant to PRC section 45000(d).

Nothing in this Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and operator may be required to take further actions as necessary to protect the public health, safety, or the environment.

The EA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Notice and Order, nor shall the EA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Notice and Order is supported by the accompanying declaration of Timothy R. Hall, Registered Environmental Health Specialist.

This Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the EA or the CIWMB from taking any and all other actions allowed by law.

In accordance with PRC Sections 44307– 44310, the operator has the right to appeal this order. A written request for a hearing must be filed with the LEA, within 15 days of being notified.

Amador County Environmental Health Department

Date: April 7, 2008

By: Michael W. Israel

Michael W. Israel, REHS  
Director of Environmental Health  
Local Enforcement Agency

DECLARATION on Page 5

## DECLARATION

I, Timothy R. Hall, declare under penalty of perjury that the following is true and correct.

I am duly employed as an Environmental Scientist of the State of California.

The allegations of the foregoing notice and order are known to me of my personal knowledge to be correct. This knowledge was obtained by:

|                            |   |
|----------------------------|---|
| Inspection of the Site on: | Multiple occasions through March 12, 2008 |
| Review of:                 | Facility files.                           |

Executed at: Jackson, California, on April 3, 2008

SIGNATURE

  
Timothy R. Hall, LEA

